

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NICHOLAS BOWSER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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1:23-CV-1527-RP
[1:22-CR-130-RP]

ORDER

Before the Court are Petitioner Nicholas Bowser’s (“Bowser”) Motions Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. (Dkts. 36, 37). Bowser filed his motions on December 19, 2023 and January 22, 2024. (*Id.*). The case was referred to United States Magistrate Judge Mark Lane for findings and recommendations, pursuant to 28 U.S.C. § 636(b). Judge Lane filed his amended report and recommendation on February 25, 2025. (Dkt. 45). A copy of the amended report and recommendations was sent to Bowser by certified mail the same day. (Dkt. 46). As of the date of this order, Bowser has not filed any objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the amended report and recommendation of the United States Magistrate Judge, (Dkt. 45), is **ADOPTED**. Bowser's Motions Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody, (Dkts. 36, 37), are **DENIED**.

It is **FURTHER ORDERED** that a certificate of appealability is **DENIED**.

The Court will enter final judgment by separate order.

SIGNED on May 8, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE